

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

ANN DESHOTELS, KIMBERLY ANN
DESHOTELS, JAMIE JOURDAN
DESHOTELS PUCHEU, AND
MATTHEW RISHER DESHOTELS

: CIVIL ACTION NO.:2:08-CV-1378

VERSUS

: JUDGE JAMES A. TRIMBLE, JR.

GREGORY PAUL NORSWORTHY,
KEVIN O'ROURKE, MIKE
MARSHALL, TRAVIS MILLER,
ANTHONY MANCUSO, JEFF
PITTMAN, JEFF MORGAN, AND
CITY OF LAKE CHARLES

: MAGISTRATE JUDGE KATHLEEN KAY

THIRD AMENDING COMPLAINT

NOW, through undersigned counsel, come plaintiffs, ANN DESHOTELS, KIMBERLY ANN DESHOTELS, JAMIE JOURDAN DESHOTELS PUCHEU, AND MATTHEW RISHER DESHOTELS, who pursuant to the order of this Court dated June 3, 2010, hereby amend their complaint, as amended by First Amending Complaint and Second Amending Complaint, in the following particulars:

I.

By amending paragraph 1, as follows:

“1.

The following are made defendants herein:

- A. GREGORY PAUL NORSWORTHY, (hereinafter “Norsworthy”) a citizen and resident of Lake Charles, Calcasieu Parish, Louisiana, who may be served at 5246 Nelson Road, Lake Charles, Louisiana 70605, who is named herein in his individual and personal capacity;

- B. KEVIN O'ROURKE, (hereinafter "O'Rourke"), an officer with the Lake Charles Municipal Police Department, who is employed by the City of Lake Charles, and who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity;
- C. MIKE MARSHALL, (hereinafter "Marshall"), a corporal with the Calcasieu Parish Sheriff's Office, who is a citizen and resident of Calcasieu Parish, Louisiana, and who may be served at the Calcasieu Parish Sheriff's Office, 5400 E. Broad Street, Lake Charles, Louisiana 70615, who is named herein in his individual and personal capacity;
- D. TRAVIS MILLER, (hereinafter "Miller"), a deputy sheriff with the Calcasieu Parish Sheriff's Office, who is a citizen and resident of Calcasieu Parish, Louisiana, and who may be served at the Calcasieu Parish Sheriff's Office, 5400 E. Broad Street, Lake Charles, Louisiana 70615, who is named herein in his individual and personal capacity;
- E. ANTHONY MANCUSO, (hereinafter "Mancuso"), individually and in his official capacity as the duly elected Sheriff of Calcasieu Parish, Louisiana, who is a citizen and resident of Calcasieu Parish, Louisiana, who may be served at the Calcasieu Parish Sheriff's Office, 5400 E. Broad Street, Lake Charles, Louisiana 70615;
- F. JEFF PITTMAN, (hereinafter "Pittman"), an officer with the Lake Charles Municipal Police Department, and employed by the City of Lake Charles who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity;
- G. JEFF MORGAN, (hereinafter "Morgan"), an officer with the Lake Charles Municipal Police Department, and employed by the City of Lake Charles who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity;
- H. CITY OF LAKE CHARLES, (hereinafter "Lake Charles"), a municipal corporation organized under the laws of Louisiana which may be served through its Mayor, Randy Roach, 326 Pujo Street, 10th Floor, Lake Charles, Louisiana 70601;
- I. AMERICA FIRST INSURANCE COMPANY, the liability insurer of defendant, Gregory Paul Norsworthy, a foreign insurance company doing business in the State of Louisiana, who may be served through its agent for service of process,

Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809;

- J. ST. PAUL FIRE AND MARINE INSURANCE COMPANY, the liability insurer of defendants, Kevin O'Rourke, Jeff Pittman, Jeff Morgan, Robert McCauley, John Thacker, Larry Moss, and City of Lake Charles, a foreign insurance company doing business in the State of Louisiana, who may be served through its agent for service of process, Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809;
- K. ST. PAUL FIRE AND MARINE INSURANCE COMPANY, the liability insurer of defendants, Mike Marshall, Travis Miller, and Anthony Mancuso, a foreign insurance company doing business in the State of Louisiana, who may be served through its agent for service of process, Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809;
- L. ROBERT MCCAULEY (hereinafter "McCauley"), a sergeant with the Lake Charles Municipal Police Department, and employed by the City of Lake Charles who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity;
- M. JOHN THACKER (hereinafter "Thacker"), a corporal with the Lake Charles Municipal Police Department, and employed by the City of Lake Charles who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity; and
- N. LARRY MOSS (hereinafter "Moss"), a corporal with the Lake Charles Municipal Police Department, and employed by the City of Lake Charles who is a resident of Calcasieu Parish, Louisiana, and who may be served at the Lake Charles Municipal Police Department, 830 Enterprise Boulevard, Lake Charles, Louisiana 70601, who is named herein in his individual and personal capacity."

II.

By amending the prayer in plaintiffs' complaint as follows:

"PRAYER

WHEREFORE, PLAINTIFFS PRAY for judgment as follows:

A. On All Causes of Action, and as to Defendants, Gregory Paul Norsworthy (individually and personally), Kevin O'Rourke (individually and personally), Mike Marshall (individually and personally), Travis Miller (individually and personally), Anthony Mancuso (individually and in his official capacity as the Sheriff of Calcasieu Parish), Jeff Pittman (individually and personally), Jeff Morgan (individually and personally), City of Lake Charles, America First Insurance Company, St. Paul Fire and Marine Insurance Company, Robert McCauley (individually and personally), John Thacker (individually and personally), and Larry Moss (individually and personally), for the following:

- (1) Compensatory, general and special damages in accordance with proof and in amounts deemed reasonable and just by the Court;
- (2) For all costs of suit incurred herein; and
- (3) For such additional relief as the Court deems just or proper.

B. On Count 1 and Count 2, and as to Defendants, Gregory Paul Norsworthy (individually and personally), Kevin O'Rourke (individually and personally), Mike Marshall (individually and personally), Travis Miller (individually and personally), Anthony Mancuso (individually and in his official capacity as the Sheriff of Calcasieu Parish), Jeff Pittman (individually and personally), Jeff Morgan (individually and personally), City of Lake Charles, America First Insurance Company, St. Paul Fire and Marine Insurance Company, Robert McCauley (individually and personally), John Thacker (individually and personally), and Larry Moss (individually and personally), for the following:

- (1) Exemplary damages in an amount deemed sufficient to make an example of these defendants and to deter future misconduct; and

(2) Reasonable attorney fees and all expenses of this litigation.

PLAINTIFFS PRAY for a trial by jury as to all counts alleged herein.”

Respectfully submitted,

LAW OFFICES OF ROBERT L. BECK, JR., L.L.C.

s/Robert L. Beck, Jr.
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ATTORNEYS FOR ANN DESHOTELS, KIMBERLY
ANN DESHOTELS, JAMIE JOURDAN DESHOTELS
PUCHEU, AND MATTHEW RISHER DESHOTELS

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2010, a copy of the foregoing Third Amending Complaint was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mitchell Todd Barnett, Christopher E. John, Nan M. Landry, Stephen Dwight and James D. Cain, Jr., by operation of the court's electronic filing system.

Respectfully submitted,

LAW OFFICES OF ROBERT L. BECK, JR., L.L.C.

s/Robert L. Beck, Jr.
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